

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ALTERNATIVE DISPUTE RESOLUTION
POLICIES AND PROCEDURES

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Misc. No. 06-203

WHEREAS, the court having adopted revised Local Rule 16.2 for cases assigned to certain Judges of the Court by order of court dated February 23, 2006,

WHEREAS, pursuant to revised Local Rule 16.2, the ADR process is governed by the ADR Policies and Procedures, as adopted by the Board of Judges for the United States District Court for the Western District of Pennsylvania,

WHEREAS, technical changes to the ADR Policies and Procedures are necessary,

AND NOW, this 26th day of March, 2008, IT IS HEREBY

ORDERED THAT Sections 2.3, 3.3, 3.10, 4.3, 4.8, 4.9, 4.13, 5, 5.3, 5.12 and 7.1 of the ADR Policies and Procedures are amended effective immediately as attached.


Chief United States District Judge

All words "shall" were changed to "must."

The phrase "Initial Case Management Conference" was amended to read "Initial Case Management Conference (Rule 16)."

Corrected contact information for the ADR Coordinator.

FORMER:

2.3 Contacting the ADR Coordinator

The Court encourages litigants and counsel to consult the ADR Internet site and to contact the ADR Coordinator to discuss the suitability of ADR options for their cases or for assistance in tailoring an ADR process to a specific case.

NEW:

2.3 Contacting the ADR Coordinator

The Court encourages litigants and counsel to consult the ADR Internet site (www.pawd.uscourts.gov) and to contact the ADR Coordinator to discuss the suitability of ADR options for their cases or for assistance in tailoring an ADR process to a specific case.

FORMER:

3.3 MEDIATORS

A. Appointment. After entry of an order referring a case to mediation, the parties choose from the Court's panel a mediator who is available during the appropriate period and has no apparent conflict of interest.

NEW:

3.3 MEDIATORS

A. Referral. No later than the Initial Case Management Conference (Rule 16) the parties are to choose a mediator who is available during the appropriate period and has no apparent conflict of interest.

FORMER:

3.10 MEDIATION REPORT

At the conclusion of the mediation, the mediator must electronically file a written report with the Clerk of Courts which includes the caption and case number, the date of the mediation, whether any follow up is scheduled, whether the case settled in whole or in part, and any stipulations the parties agree may be disclosed.

NEW:

3.10 REPORT OF THE NEUTRAL

Within five (5) days of the the conclusion of the mediation, the mediator must electronically file a written report which includes the caption and case number, the date of the mediation, whether any follow up is scheduled, whether the case settled in whole or in part, and any stipulations the parties agree may be disclosed.

FORMER:

4.3 EVALUATORS

A. Appointment. After entry of an order referring a case to ENE, the parties choose from the Court's panel an evaluator who has expertise in the subject matter of the lawsuit, is available during the appropriate period and has no apparent conflict of interest.

NEW:

4.3 EVALUATORS

A. Referral. No later than the Initial Case Management Conference (Rule 16) the parties are to choose an evaluator who has expertise in the subject matter of the lawsuit, is available during the appropriate period and has no apparent conflict of interest.

FORMER:

4.8 WRITTEN STATEMENTS

C. Content of Statement. The statements must be concise, may include any information that

may be useful to the evaluator, for example:

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C. Content of Statement. The statements must be concise and should include any information that may be useful to the evaluator, for example:

Removal of the entire section 4.9

4.9 SPECIAL PROVISIONS FOR PATENT, COPYRIGHT, OR TRADEMARK CASES

Renumber remaining sections of Section 4

FORMER:

4.13 EARLY NEUTRAL EVALUATION REPORT

At the conclusion of the ENE, the evaluator must electronically file a written report with the Clerk of Courts which includes the caption and case number, the date of the session, whether any follow up is scheduled, whether the case settled in whole or in part, and any stipulations the parties agree may be disclosed.

NEW:

4.12 REPORT OF THE NEUTRAL

Within five (5) days of the conclusion of the ENE, the evaluator must electronically file a written report which includes the caption and case number, the date of the session, whether any follow up is scheduled, whether the case settled in whole or in part, and any stipulations the parties agree may be disclosed.

FORMER:

5. ARBITRATION

NEW:

5. COURT SPONSORED ARBITRATION (in accordance with 28 U.S.C. §651.) (For private arbitration, see Section 7.)

FORMER:

5.3 ARBITRATORS

C. Compensation. Arbitrators must be paid by the Court \$250 per day or portion of each day of hearing in which they serve as a single arbitrator or \$100 for each day or portion of each day in which they serve as a member of a panel of three. No party may offer or give the arbitrator(s) any gift.

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FORMER:

5.12 STIPULATION TO BINDING ARBITRATION

At any time before the arbitration hearing, the parties may stipulate in writing to waive their rights to request a trial de novo. Such stipulation must be submitted to the assigned Judicial Officer for approval and must be filed. In the event of such stipulation, judgment must be entered on the arbitration award.

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FORMER:

7.1 Private ADR

There are numerous private sector providers of ADR services including arbitration, mediation, fact-finding, neutral evaluation and private judging. Private providers may be lawyers, law professors, retired judges or other professionals with expertise in dispute resolution techniques. Virtually all private sector providers charge fees for their services. The Court is willing to refer cases to private providers with the stipulation of the parties. The assigned Judicial Officer will take appropriate steps to assure that a referral to private ADR does not result in an imposition on any party of an unfair or unreasonable economic burden.

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At the conclusion of the private ADR session, with the exception of private arbitration, the neutral is to complete and file the Report of the Neutral, indicating that the session was held and if the session resulted in a settlement.

At the conclusion of the private arbitration, the arbitrator is to file a report only indicating the date that the arbitration was held.